IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7832 of 2004

Between:

Gajjela Subhadravathi, d/o late Durga Rao,
Occ:Teacher, (Under Order of Termination) r/o Ragappagudem (V),

Buttaigudem (M), West Godavari District.

..... PETITIONER

AND

1 The Government of A.P., rep., by its Principal Secretary, Social Welfare Department,
Secretariat, Hyderabad.
2 The District Collector, West Godavari District,
at Eluru.
3 The Project Officer, I.T.D.A., K.R.Puram,
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the 3rd respondent in terminating services of the petitioner vide proceedings No.T/338/2000 dated 13-3-2003 as bad, illegal, arbitrary, discriminatory and offends Articles 14, 16 and 21 of the Constitution of India and to set-aside the same with all consequential benefits such as continuity of service, back wages, increments etc.,

Counsel for the Petitioner: MR.V.VENUGOPALA RAO

Counsel for the Respondent s: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

The Petitioner filed this writ petition questioning the orders of the 3rd respondent vide proceedings No.T/338/2000, dated 13.03.2003, terminating his services on the ground that the Government cancelled his caste certificate.

2. It is stated that the petitioner has been appointed as G.V.V.K.Teacher vide proceedings in RC.No.T/338/2000, dated 21.12.2000 under the Scheduled Tribe Reservation quota. Subsequently, the 2nd respondent cancelled the caste certificate issued to the petitioner as per orders in ROC.No.3851/2002 [C3] dated 29.1.2003. Assailing the said orders, the petitioner preferred an appeal before the Government. In the meanwhile, the 3rd respondent has passed orders terminating the services of the petitioner, pursuant to the orders of the 2nd respondent. Though the Government, on hearing the case, passed orders in Memo No.4341/CV.2/2003-2, dated 6.5.2003 staying the operation of the proceedings of the 2nd respondent dated 29.1.2003, the 3rd respondent did not reinstate the petitioner into service.

3. The learned Government Pleader appearing for the respondent filed counter and also produced order copy of the Government passed in G.O.Ms.No.54, dated 18.06.2004, wherein the orders of the District Collector, West Godavari in ROC.No.3851/2002 (C3) dated 29.01.2003 were upheld and the interim stay granted earlier in Government Memo No.4341/CV.2/2003-2, dated 6.5.2003 is vacated. The learned Government Pleader contended that as the Government has not allowed the appeal filed by the petitioner, the petitioner is not entitled for the relief sought for.

4. In view of the rejection of appeal of the petitioner by the Government, the writ petition is dismissed. However, the petitioner is at liberty to question the orders of the Government, if he so chooses. No costs.

dsr/lur

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Government of Andhra Pradesh,

Social Welfare Department, Secretariat, Hyderabad.

2. The District Collector, West Godavari District,at Eluru

3. The Project Officer, I.T.D.A., K.R.Puram,

West Godavari District

4. Two CCs to the Government Pleader [Social Welfare]

High Court Buildings, Hyderabad.[OUT]

5. Two CD copies.